



Michael Glenister
Captain, A330

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The Honorable Dora Lizette Irizarry
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

David Berman
Assistant U.S. Attorney
United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Shachar Bivas, No. 1:23-cr-319-DLI (E.D.N.Y.)

Dear Judge Irizarry and Mr. Berman,

I am a Captain with Delta Air Lines for the Airbus A330 type aircraft. I have been an airline transport pilot for 26 years, with over 18,000 flight hours. I was the reserve Captain of Delta flight 235 ("DL235") on May 31, 2023, operating from Tel-Aviv to New York's Kennedy International Airport.

I am confident that you are aware of the details of what went on in the back of the aircraft. I hope this statement can add additional information on the impact an event can have on the safe operation of the flight.

Flight 235 departed Tel Aviv late at night and was to fly to John F Kennedy airport in New York, a flight of typically 12 hours. Regulations require that on flights of such a long duration, two full crews, consisting of a Captain and a First Officer on each crew, be assigned to the flight in order to provide sufficient rest opportunities. In our case I was the junior of the Captains assigned and therefore acted in a relief role. When the incident occurred, I was on duty in the flight deck, having relieved the senior Captain for his first rest period, and he was in the crew rest facility located below the cabin about three quarters of the way back.

At the time we received word in the flight deck that there was an incident of a passenger disturbance, we were just transitioning from Greek airspace to Italian airspace. As is normal, one pilot is primarily responsible for flying, and the other is responsible for monitoring the aircraft, which among other duties includes handling the communications. I was the Pilot Monitoring, with my First Officer the Pilot Flying. For the pilots, the accents of the controllers in this region, combined with a lower level of familiarity with the names of waypoints, sector names, etc. can lead to communication difficulties and is best mitigated by both pilots attentively listening to the radios, confirming what was said, and then executing instructions. When something out of the ordinary occurs, the duties are reassigned, and one pilot becomes responsible for both flying the aircraft and communicating, while the other pilot deals with the matter at hand, whether it be a troubleshooting checklist or dealing with an incident in the back.

I turned over the communications to my First Officer and began to deal with the disturbance in the back. The First Officer would get my attention as able if we were given a new clearance, but this situation hinders the ability of both pilots to fully focus on their normally assigned duties. I would equate this situation to driving a car in an unfamiliar area at night with kids screaming in the backseat, versus doing the same with someone else in the passenger seat taking care of the kids and reading street signs for you. Additionally, certain requirements occur on international flights that require a longer than normal time looking at both our charts contained in the tablets we carry as well as loading information in the aircraft computer system. For instance, if flying over mountainous terrain, one pilot is tasked with loading information that will be used if forced to descend for a pressurization emergency, such as in our case as we approached the Alps. This is best done by the Pilot Monitoring while the Pilot Flying focuses on the path the plane flies. When, as is in our case, they are one in the same, the path is not monitored as closely, despite the best efforts. There are other time critical distractions as well, such as getting the clearance from the oceanic controllers at the specified window. Again, normally not done by the pilot whose primary

responsibility is monitoring the safe path of the aircraft. All of this was done by my First Officer as I communicated with the Flight attendants, read through all the publications and checklists on how to handle this type of event, and gathered information about landing conditions at airports along our route in the event that we had to divert.

In addition to the irregular duty assignments in the cockpit, this incident reduced the amount of rest afforded the crew, who would be landing at 4AM after a long night. We called the Captain from his break earlier than planned, and we did not commence our rest break until well after planned while we discussed options with the company and the oncoming crew. Certainly, the rest was not of high quality due to the heightened tension on the flight. Additionally, upon approaching New York, we had additional work calling ahead to the ground crews to ensure everything was in place with regards to law enforcement.

An additional concern centers on the distraction this caused for the cabin crew. Certainly, it impacts the level of service to the customers, but I am far more concerned with the safety aspect. At the time of the incident, half of the Flight Attendants were in the crew rest facility leaving five to monitor the 275 plus passengers. With the distress this caused the one Flight Attendant and the need of another Flight Attendant to spend an inordinate amount of time diffusing the situation, our situational awareness of what the other passengers might attempt to do if they had nefarious intent was greatly reduced. I have almost zero ability to know what is going on in the cabin and rely on the Flight Attendants to monitor the cabin.

I hope the Court considers the risk to safety that this incident posed, if for no other reason than to discourage future incidents that unnecessarily threaten the safety of aircraft, passengers, or crew. I thank the Court for considering this letter. I also thank law enforcement for investigating and prosecuting this matter.

Very Truly,

/s/ Mike Glenister

Captain Michael Glenister